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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,572	09/04/2003	Mark Dane	096005-0112	6428
48329 7590 02/19/2010 FOLEY & LARDNER LLP 111 HUNTINGTON AVENUE 26TH FLOOR BOSTON, MA 02199-7610			EXAMINER McCORMICK, GABRIELLE A	
			ART UNIT 3629	PAPER NUMBER
			MAIL DATE 02/19/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/655,572

Applicant(s)

DANE ET AL.

Examiner

Gabrielle McCormick

Art Unit

3629

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 8 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-8 and 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the amendment filed on January 26, 2010.
2. Claims 1-2, 12 and 17-20 have been amended.
3. Claims 21 and 22 have been added.
4. Claims 1-5, 7-8 and 10-22 are currently pending and have been examined.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 26, 2010 has been entered.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5, 7-8, 10-11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy et al. (US Pub. No. 2002/0069080 hereinafter referred to as "Roy") in view of Almog et al. (US Pub. No. 2002/0002479, hereinafter referred to as "Almog") in view of Balabine et al. (US Pat. No. 5,937,406, hereinafter referred to as "Balabine").

7. Roy discloses a web based system for cataloging, inventorying, selecting, measuring, valuing and matching "Intellectual Capital Skills" using networked computers and where the data is stored in a relational database. The system stores "Intellectual Capital codes" that are used to create a job description. (P [0038]). The system is accessible to various users, including clients (employers) and recruiters (i.e., a requirements specialist. Note: The term "recruiter" is understood to be descriptive of the field of employment that specializes in matching candidates and positions, therefore, a recruiter is a requirements specialist). (P [0128]). This provides the teaching that either a client or a recruiter may determine, view, receive, develop or create any part of the invention.
8. **Claims 1, 17 and 18:** Roy discloses a method, system and computer-readable medium (Fig. 1; P[0119])
- *an interface;* (P[0123])
 - *permitting a first user to, develop a first job description, the first job description comprising a first set of components;* (P [0042] and Fig. 3(a))
 - *the first set of components comprising at least one first client information logic component for accessing an online database for first client-related information;* (P[0135]: each recruiter can enter/update client information in Data Source 6 (thus, client information resides in a database); Fig. 3a: "Client Contact" is an information field in the job description template, along with "ClientName Job". Logic to access the database exists as indicated by the use of a drop down menu arrow used to fill the "Client Contact" field.);
 - *storing the first set of components in the online database;* (P [0039-0040] and [0136])
 - *permitting a second user to create a second job description having a second set of components, at least one of which is selected from the first set of components stored in the online database;* (P[0038]: The "Intellectual Capital codes" can be used to create multiple job descriptions. Fig. 3(a) discloses a template in which multiple job descriptions would use the common components (fields of the template) for data entry.)

- *the second set of components comprising at least one second client information logic component for accessing the online database for second client-related information.* (P[0135]: each recruiter can enter/update client information in Data Source 6 (thus, client information resides in a database); Fig. 3a: "Client Contact" is an information field in the job description template, along with "ClientName Job". Logic to access the database exists as indicated by the use of a drop down menu arrow used to fill the "Client Contact" field. P[0135] also discloses that Data Source 6 contains information about a plurality of clients and that the recruiter's access may be limited to clients assigned to them, thus disclosing second-client information.)
9. Roy further discloses that a client can edit the position skills by adding or deleting skills as needed for a position. (P[0134]). Though Roy does not explicitly disclose that a second job description is created based upon the first job description, it is obvious that in editing a first job description by adding or deleting skills, a second job description is created and saved. Further, it is obvious to use a previous job description when creating a new one by editing the former. Roy would be motivated to do so to build on its system of providing uniform and consistent terminology that allows for an accurate and systematic search and comparison of candidate skills. (P[0007]).
 10. Roy also provides the motivation to create a second, edited job description in response to the matching results. It is obvious to create a revised job description in order to increase or decrease a pool of suitable applicants. For example, if the first job description results in a small pool of applicants, by editing the description to alter the requirements, the pool can be increased.
 11. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included creating a second job description based on the first, in the system of Roy for the motivation of efficiently creating job descriptions that use consistent terminology that aids in matching and to allow control over the size of a pool of applicants through changing the skill requirements of a first description to create a second one.
 12. Roy does not disclose that the second job description corresponds to a second job opening.

13. Almog, however, discloses in formulating requirements for a job, the server suggests requirements for the position based on other job-opening records. (P[0111]). Thus, the second posting and description that is created is based on the first job description from another job-opening record. As Almog also explicitly discloses that suggestions can be based on previous job openings posted by the first employer, it is understood that the "other job-opening records" implicitly refer to job-openings from employers other than the first employer, therefore disclosing a second job description based on the first and corresponding to a second opening and comprising second-client information.
14. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included basing the description for a second job opening on a first job description and including second client information, as disclosed by Almog, in the system of Roy for the motivation of providing an effective and efficient means of creating job postings. Roy discloses that position information can be edited (P[0134]). It is old and well known to use an existing document as a template for a new one because it saves time. It is obvious to base a new job description on an old one. At the very least, one would be motivated to use a prior description as a starting point in order to reduce typographical errors.
15. Furthermore, it would have been obvious to one of ordinary skill in the art to include in the job matching system of Roy the ability to based a second job description for a second opening for a second employer on a first description from a first opening for a first employer as taught by Almog since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
16. Roy does not disclose storing object-oriented objects in a database configured as an object hierarchy including a plurality of interrelated objects.
17. Balabine, however, discloses object-oriented databases that store objects in a hierarchy of classes. (C1; L41-52).

18. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an object-oriented database, as disclosed by Balabine, in the system of Roy since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
19. **Claim 2:** Roy discloses determining the first set of components (P [0035]), a requirements specialist (P[0128]: a recruiter) and logic for retrieving hiring manager information (Fig. 3a: "Client Contact").
20. **Claim 3:** Roy discloses selecting an Intellectual Capital code (P [0038]: position requirements are created) and displaying to a client (Fig. 3(a) is a screen shot that would be displayed to a client accessing through the system illustrated in Fig. 1).
21. **Claim 4:** Roy discloses storing in a relational database. (P [0039]).
22. **Claims 5 and 7:** Roy discloses displaying the selection to a client and a recruiter using a computer system. (Fig. 3(a) is a screen shot that would be displayed to a client and a recruiter accessing through the system illustrated in Fig. 1).
23. **Claim 8:** Roy discloses a recruiter interacting with a client. (P [0134]).
24. **Claims 10 and 11:** Roy discloses an educational requirement and a task (skill). (P [0053]).
25. **Claims 12-16 and 19-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over Roy et al. (US Pub. No. 2002/0069080 hereinafter referred to as "Roy") in view of Danielson et al. (US Pat. No. 6,993,723, hereinafter referred to as "Danielson") in view of Balabine et al. (US Pat. No. 5,937,406, hereinafter referred to as "Balabine").
26. **Claims 12 and 19-20:** Roy discloses a method, system and computer-readable medium (Fig. 1; P[0119] and interface (P[0123]). Roy further discloses a requirements specialist (P[0128]: a recruiter) receiving hiring needs and client-related information and determining a job description. (P [0042]: the job description is created using the menu of skills required for the submitted job

position and Fig 3a shows an example that includes client-related information (i.e., "Client Contact"). The job description is stored in an online database; (P[0039-0040] and [0136]). Roy further discloses that the client provides feedback on the job description (P[0134]: the client has the ability to edit the position skills) and that the recruiter modifies the job description (P[0135]: recruiter can enter/update and perform any of the tasks described above (i.e., those described in P[0134]) (P[0135]). P[0145] discloses that the recruiter has control over client entries, thus, the recruiter has the ability to edit the position description information. As the system is implemented over the Internet (P[0119]), the editing by the client is performed in real-time.

27. Roy further discloses accessing client-related information from an online database. (P[0135]: each recruiter can enter/update client information in Data Source 6 (thus, client information resides in a database); Fig. 3a: "Client Contact" is an information field in the job description template, along with "ClientName Job". Access to the database exists as indicated by the use of a drop down menu arrow used to fill the "Client Contact" field.)
28. Roy does not disclose a connection between the requirements specialist and the feedback.
29. Danielson, however, discloses a collaboration system using groupware that allows for real-time data conferencing and group document handling. (C4; L49-67). This provides the ability to instantly share knowledge and work together. (C6; L47-50). Real-time user users are implemented via a chat window (C13; L55-56) and a message window (C14; L20-22).
30. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included a real-time collaboration tool, as disclosed by Danielson, in the system of Roy for the motivation of enabling efficient and effective collaboration and communication in work session between two or more people independent of time and place. (Danielson; C4; L31-34). The combination of the collaboration tool with Roy would provide a means for real-time interaction between the recruiter and client. As Roy has disclosed, the client can provide feedback, as evidenced by the editing of the position information (P[0134]). Roy also discloses that the recruiter preferably controls the client's entries (P[0145]). It is old and well known that a purchaser of a service (the client) interacts with the supplier of the service (the recruiter) to

ensure that the client's needs are being met, therefore, it is obvious for the client and the recruiter of Roy to collaborate to ensure the client is satisfied with the recruiter's services.

31. Roy does not disclose storing object-oriented objects in a database configured as an object hierarchy including a plurality of interrelated objects.
32. Balabine, however, discloses object-oriented databases that store objects in a hierarchy of classes. (C1; L41-52).
33. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an object-oriented database, as disclosed by Balabine, in the system of Roy since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
34. **Claims 13 and 14:** Roy discloses displaying job descriptions to a client and a recruiter. (Fig. 3(a) is a screen shot that would be displayed to a client and a recruiter accessing through the system illustrated in Fig. 1).
35. **Claim 15:** Roy discloses storing in a database (P [0039]) and selecting codes from the database. (P [0038]).
36. **Claim 16:** Roy discloses an educational requirement and a task (skill) (P [0053]) where the skills are selected from a database (P [0038]).
37. **Claims 21-22:** Roy discloses a Client Contact field as part of the job description, thus a portion of the job description is based on hiring needs and information related to the client and hiring manager (i.e., the "Client Contact" information of Fig. 3a)

Response to Arguments

38. Applicant's arguments with respect to claims 1 and 12 have been considered but are moot in view of the new ground(s) of rejection as detailed above.

39. Applicant argues that there is no need to access a database for client-related information in Roy. The Examiner points to P[0135] where recruiters can enter and update client information and Fig. 3a that discloses client-related information in the job description.
40. Applicant further argues that Roy teaches away from copying existing job descriptions. The Examiner disagrees. Fig. 3a discloses a drop down menu selection for the Client Contact field, thus, a recruiter is capable of changing a given job description through the selection of a different client contact. This implicit capability provides support for basing a second job description on a first.
41. Roy also states that "any individual criteria that would appear on a resume or job requirement as a reason for hiring...can become a defined skill in the hierarchical list and would be listed in the SKILL category." (P[0022]). Thus a criterion that appears on a first job requirement (i.e., a job description) would become part of the list and be available for selection as a skill for creating a second job requirement resulting in the second job requirement being based on a first.
42. Lastly, clients have the ability to edit position skills (P[0134]) and recruiters can perform any of the above tasks (P[0135]), therefore, a recruiter can edit position skills and by doing so is capable of basing a second job description on a first.
43. With respect to Applicant's interpretation of Almog, the Examiner disagrees and asserts that Almog discloses that in formulating requirements for a job, the server suggests requirements for the position based on other job-opening records. (P[0111]). Thus, the second posting and description that is created is based on the first job description from another job-opening record. As Almog also explicitly discloses that suggestions can be based on previous job openings posted by the first employer, it is understood that the "other job-opening records" implicitly refer to job-openings from employers other than the first employer, therefore disclosing a second job description based on the first and corresponding to a second opening and comprising second-client information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3629